



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.1724 of 2022
and
W.M.P.No.1871 of 2022

G.Paramasivam

... Petitioner

vs.

Additional Secretary to Government,
Department of Labour Welfare and Skill Development,
Secretariat, Fort St.George,
Chennai - 600 009.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 27.09.2021 made in G.O (D) No.408 on the file of the respondent and quash the same and consequently direct the respondent to reinstate the petitioner in service.

For Petitioner : Mr.R.Rajan

For Respondent : Mr.Haja Nazirudeen
Additional Advocate General
Assisted by
Mrs.S.Anitha
Special Government Pleader

O R D E R

This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 27.09.2021 made in G.O (D) No.408 on the file of the respondent and quash the same and consequently, to direct the respondent to reinstate the petitioner in service.



2. According to the petitioner, based on the complaint given by one Sundramoorthi, the Inspector of Police, Choolaimedu Police Station, has registered a criminal case in Crime No.688 of 2021 against one Palanikumar. According to the petitioner, his name was not found in the aforesaid criminal case. Only the name of the Palanikumar was found as accused in the aforesaid FIR. Subsequently, the petitioner was arrested for the alleged reason that he alone has introduced the deceased Balakrishnan to the said Palanikumar and thereafter, the petitioner was let on bail. Further it is submitted that subsequent to the said arrest, the respondent has passed the impugned suspension order placing the petitioner under suspension.

3. According to the petitioner, there is no charge memo served on the petitioner nor his name was found in the said criminal case, however, the petitioner was arrested for the aforesaid reason and he was placed under suspension. The said suspension order has not been revoked by the respondent. Therefore, he has challenged the aforesaid impugned suspension order before this Court.

4. The learned Additional Advocate General appearing for the respondent submitted that the aforesaid statements of the petitioner would be verified by the authority concerned and if the petitioner has not been involved in any of the criminal case and the departmental proceedings has not been initiated, if any representation made by the petitioner, the same would be considered by the authority concerned.

5. In the light of the above submissions made by the parties concerned, this Court is inclined to pass orders as follows:-

- (i) The petitioner is directed to submit a representation by narrating entire facts to the respondent, within a period of two weeks from the date of receipt of a copy of this order.
- (ii) On such representation being received by the respondent, the respondent is directed to consider and pass appropriate orders by taking note of the above said submissions made by the parties, in accordance with law, as expeditiously as possible, within a period of eight weeks, thereafter.



6. With the above directions, the writ petition stands disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

dm

To

The Additional Secretary to Government,
Department of Labour Welfare and Skill Development,
Secretariat, Fort St. George,
Chennai - 600 009.

+1cc to the Government Pleader Sr.22778

W.P.No.1724 of 2022

pl[co]
srg 26/04/2022